

REMARKS

The Office Action dated March 9, 2007 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-3, 6, 8-15, 18 and 20-33 are respectfully submitted for consideration.

The Office Action rejected claims 1, 2, 6, 8, 12, 13, 14, 18, 20, 29, 30 and 33 under 35 U.S.C. 103(a) as being obvious over US Patent Publication No. 2002/0168978 to Molnar et al. (Molnar), in view of US Patent Publication No. 2002/0120600 to Schiavone et al. (Schiavone). The Office Action took the position that Molnar disclosed all of the features of these claims except wherein the restriction level defines a type of message which can be received by the at least one terminating party. The Office Action asserted that Schiavone disclosed this feature. Applicants submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features of any of the pending claims.

Claim 1, from which claims 2-6 and 7-11 depend is directed to a method for controlling sending of messages in a communication system. A network entity is provided with restriction information associated with terminating parties in the communication system. At least one terminating party for a message to be sent is determined. The restriction information associated with the terminating parties is defined to comprise a restriction level for sending the message to the at least one terminating party wherein the terminating parties are classified into a plurality of restriction levels. Sending of the message is controlled based on the restriction information, wherein the

restriction level defines a type of message which can be received by the at least one terminating party.

Claim 12 is directed to a computer program, comprising program code embodied on a computer readable medium, said computer program controlling a computer to perform a method as recited in claim 1.

Claim 13, from which claims 14, 15, 18 and 20-28 depend, is directed to a communication system. A network entity is configured to receive and manage restriction information associated with terminating parties in the communication system. A determining unit is configured to determine at least one terminating party for a message to be sent. A controlling unit is configured to control sending of the message based on the restriction information. The restriction information comprises a restriction level for sending the message to the at least one terminating party and wherein the terminating parties are classified into a plurality of restriction levels. The restriction level defines a type of message that can be received by the at least one terminating party.

Claim 29, from which claims 30-32 depend, is directed to a communication system. A network entity is configured to receive and manage restriction information associated with terminating parties in the communication system. A determining means determines at least one terminating party for a message to be sent. A controlling means controls sending the message based on the restriction information. The restriction information comprises a restriction level for sending the message to the at least one terminating party. The terminating parties are classified into a plurality of restriction

levels, wherein the restriction level defines a type of message which can be received by the at least one terminating party.

Claim 33 is directed to a network entity configured to receive and manage restriction information associated with terminating parties in a communication system. The network entity is further configured to determine at least one terminating party for a message to be sent. Still further, the network entity is configured to control sending of the message based on the restriction information, wherein the restriction information comprises a restriction level for sending the message to the at least one terminating party, and wherein the terminating parties are classified into a plurality of restriction levels, wherein the restriction level defines a type of message which can be received by the at least one terminating party.

Embodiments of the present invention provide a way of controlling the sending of a message and advantageously prevent a message being sent to an unwanted recipient due to a user error. Applicants respectfully submit that the cited references fail to disclose or suggest all of the features of these claims and fail to provide the advantages thereof.

Molnar is directed to a method for restricting a message service in a communication network. The method seeks to restrict communication with certain addresses. Thus the sending of messages to, or receiving messages from a particular address may be blocked based on a record containing information about addresses with which a message communication is not allowed.

The Office Action admitted that Molnar does not define restriction information associated with the terminating parties to comprise a restriction level for sending the message to the at least one terminating party wherein the terminating parties are classified into a plurality of restriction levels. The Office Action relied on Schiavone to disclose this feature.

Schiavone describes a method for negotiating an electronic mail transaction. The method seeks to restrict receipt of certain messages by identifying a type of message and cross referencing the type of message with recipient profile data. Depending on the content of the recipient profile data, filtering rules decide whether the email is delivered or not to the recipient. In this way, Schiavone reduces unwanted emails, e.g. spam (see paragraph 17 of Schiavone) received by the recipient.

Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest at least the feature of sending of the message is controlled based on the restriction information, wherein the restriction level defines a type of message which can be received by the at least one terminating party, as recited in claim 1 and similarly recited in claims 12, 13, 29 and 33.

While Applicants acknowledge that Schiavone does disclose providing restriction of messages based on filtering rules, Schiavone merely discloses providing recipient profile data for a single user (see paragraphs 16 and 22). The recipient profile data of Schiavone is only concerned with one user. The preferred embodiments of Schiavone disclose filtering the messages at the recipient's end (e.g. see paragraph 33).

Therefore, in Schiavone, the recipient profile data simply cannot provide a plurality of restriction levels for other terminating parties. Schiavone is silent on providing filtering rules for a plurality of recipients receiving the same message. Thus, Schiavone fails to cure the admitted deficiencies of Molnar.

Further, Applicants submit that a person having ordinary skill in the art would not be motivated to combine Molnar with Schiavone because these references teaches away from each other. Schiavone teaches preferably filtering the message at the recipient end and Molnar teaches restricting the sending of a message. Therefore, by incorporating the teachings of Schiavone with Molnar, the person having ordinary skill in the art would go against the aim of Molnar, that is, preventing the sending of a message (see paragraph 12 of Molnar).

As mentioned above, Schiavone is concerned with filtering electronic mail at a recipient's end. Therefore, there is no motivation to modify the recipient profile data to classify the terminating parties into a plurality of restriction levels. Indeed, it is nonsensical classify the terminating parties into a plurality of restriction levels in the recipient profile data because there is one and only one terminating party mentioned in Schiavone.

Applicants submit that because claims 2, 6, 8, 14, 18, 20, and 30 depend from claims 1, 13 and 29, these claims are allowable at least for the same reasons as claims 1, 13 and 29 as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features of claims 1, 2, 6, 8, 12-14, 18, 20, 29, 30 and 33. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 3, 15 and 31 under 35 U.S.C. 103(a) as being obvious over Molnar and Schiavone, in further view of US Patent Publication No. 2003/0083078 to Allison et al. (Allison). The Office Action took the position that Molnar and Schiavone disclosed all of the features of these claims except when sending the message is denied, providing a warning message in response to a sending command. The Office Action asserted that Allison disclosed this feature. Applicants submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims. Specifically, Molnar and Schiavone are deficient at least for the reasons discussed above, and Allison fails to cure these deficiencies.

Molnar and Schiavone are discussed above. Allison is directed to transmitting and receiving short message service (SMS) data packets via a communications network. The routing node includes an SMS message discrimination module that determines whether an unwanted or spam SMS message is being sent to a receiving or called party. Unwanted SMS messages are discarded and consequently not delivered to their intended recipient. As a result, mobile subscribers and network nodes are shielded from unwanted SMS traffic. However, Allison fails to disclose or suggest the feature of sending of the

message is controlled based on the restriction information, wherein the restriction level defines a type of message which can be received by the at least one terminating party, as recited in claims 1, 13, and 29. Thus, Allison fails to cure the deficiencies of Molnar and Schiavone.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features recited in claims 3, 15 and 31. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 9 and 21 under 35 USC 103(a) as being obvious over Molnar and Schiavone, in further view of US Patent Publication No.2004/0123097 to Ranjan (Ranjan). The Office Action took the position that Molnar and Schiavone disclosed all of the features of these claims except defining the restriction level for a receiver group address in function of an estimated amount of terminating parties. The Office Action asserted that Ranjan disclosed this feature. Applicants submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims. Specifically, Molnar and Schiavone are deficient at least for the reasons discussed above, and Ranjan fails to cure these deficiencies.

Ranjan is directed to a terminal for receiving and re-transmitting information, comprises a first network adapter for receiving a primary data stream in which the information has been encoded, encrypted according to a key scheme from a primary transmitter through a first network in a first format, an arrangement for receiving

entitlement messages, enabling an authorized receiver to decrypt the encrypted data stream, and at least one further network adapter for connection to a secondary network. However, Ranjan fails to disclose or suggest the feature of sending of the message is controlled based on the restriction information, wherein the restriction level defines a type of message which can be received by the at least one terminating party, as recited in claims 1 and 13. Thus, Ranjan fails to cure the deficiencies of Molnar and Schiavone.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features recited in claims 9 and 21. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 10, 11, 22-26, and 32 under 35 U.S.C. 103(a) as being obvious over Molnar and Schiavone, in view of US Patent Publication No. 2003/0196098 to Dickenson III et al. (Dickenson). The Office Action took the position that Molnar and Schiavone disclosed all of the features of these claims except when the sending of the message is denied, determining an action to be taken in relation to the message to modify the message into a form in which the sending is allowed. The Office Action asserted that Dickenson disclosed this feature. Applicants submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features of any of the above claims. Specifically, Molnar and Schiavone are deficient at least for the reasons discussed above, and Dickenson fails to cure these deficiencies.

Dickenson is directed to an e-mail firewall that applies policies to e-mail messages between a first site and a plurality of second sites in accordance with a plurality of

administrator selectable policies. However, Dickenson fails to disclose or suggest the feature of sending of the message is controlled based on the restriction information, wherein the restriction level defines a type of message which can be received by the at least one terminating party, as recited in claims 1, 13 and 29. Thus, Dickenson fails to cure the deficiencies of Molnar and Schiavone.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features recited in claims 10, 11, 22-26, and 32. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claim 27 under 35 U.S.C. 103(a) as being obvious over Molnar and Schiavone, in view of US Patent Publication No. 2004/0203947 to Moles (Moles). The Office Action took the position that Molnar and Schiavone disclosed all of the features of these claims except the network entity comprises a serving controller in an Internet Protocol Multimedia subsystem, the controlling means is included in an application server communicating with the serving controller, and the terminating party comprises a user equipment connected to the Internet Protocol Multimedia subsystem. The Office Action asserted that Moles disclosed this feature. Applicants submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features of any of the pending claims. Specifically, Molnar and Schiavone are deficient at least for the reasons discussed above, and Moles fails to cure these deficiencies.

Moles is directed to storing and accessing wireless device e-mail attachments. Some wireless devices (such as basic cell phones) have insufficient memory and processing power to read e-mail attachments. However, Moles fails to disclose or suggest the feature of sending of the message is controlled based on the restriction information, wherein the restriction level defines a type of message which can be received by the at least one terminating party, as recited in claim 13. Thus, Moles fails to cure the deficiencies of Molnar and Schiavone.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features of claim 27. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claim 28 is rejected under 35 U.S.C. 103(a) as being obvious over Molnar and Schiavone, in view of US Patent Publication No. 2001/0052687 to Sivula (Sivula). The Office Action took the position that Molnar and Schiavone disclosed all of the features of these claims except the network entity comprises a multimedia message service server, the controlling means is included in an application server communicating with the multimedia message service server and the terminating party comprises a multimedia message service user agent of a receiver. The Office Action asserted that Sivula disclosed this feature. Applicants submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims. Specifically, Molnar and Schiavone are

deficient at least for the reasons discussed above, and Sivula fails to cure these deficiencies.

Sivula is directed to addressing billing in a multimedia messaging service (MMS) utilizing store-and-automatic forward transmission, in which method the message addressed to a B-subscriber is transmitted from a terminal of an A-subscriber to a server of the multimedia messaging service system, the arrival of said message to the server is reported to a wireless terminal of the B-subscriber, and in which method said message is transmitted from the server further to the wireless terminal of the B-subscriber. However, Sivula fails to disclose or suggest the feature of sending of the message is controlled based on the restriction information, wherein the restriction level defines a type of message which can be received by the at least one terminating party, as recited in claim 13. Thus, Sivula fails to cure the deficiencies of Molnar and Schiavone.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features of claim 28. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

Applicants respectfully submit that each of claims 1-3, 6, 8-15, 18 and 20-33 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of claims 1-3, 6, 8-15, 18 and 20-33 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "DEB", is written over a horizontal line.

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